Chapter 3
Performance and Results

Enquiries and Complaints Processing

3.1 The number of enquiries and complaints received this year dropped slightly from last year's record high. Enquiries totalling 12,169 were comparable to the level three or four years ago. Complaints stood at 4,987, significantly higher than those years.

Fig. 3.1 Enquiry Counter

3.2 As always, the number of complaints fluctuated, surging when there were issues attracting public attention or affecting a section of the community. Last year I reported two major issues of public concern: namely, Typhoon Prapiroon and the Broadcasting Authority's criticism of a Radio Television Hong Kong programme, resulting in a combined total of over 1,500 complaints, mostly by email. This year, a number of issues also gave rise to group complaints, many with almost identical contents, a feature common with most group complaints:

- In May 2007, certain articles in a university students' newsletter were determined as indecent by the Obscene Articles Tribunal. This resulted in over three hundred complaints against the decision of the Television and Entertainment Licensing Authority ("T & ELA") not to submit the Bible to the Tribunal for classification;

Fig. 3.2

Enquiries and Complaints Received

Year	Enquiries	Complaints	
		only for us[1]	including those copied to us
2003/04	12,552	3,859	4,661
2004/05	11,742	3,802	4,654
2005/06	14,633	3,828	4,266
2006/07	15,626	5,606	6,114
2007/08	12,169	4,987	5,419

[1] These figures exclude "complaints to others copied to us" : see Glossary of Terms in **Annex 5**. It was termed "potential complaints" before 2006/07.

- In November 2007, over 200 owners of a Home Ownership Scheme housing estate lodged a group complaint against the Housing Department ("HD") and Lands Department ("Lands D") over the issue of management responsibility for a footbridge linking their housing estate and another opposite. In February 2008, a group of over 500 owners of the latter housing estate lodged a related complaint against the department;

- In December 2007, the decision of the Leisure and Cultural Services Department ("LCSD") to give priority to first timers in registering for certain sports training course resulted in 85 complaints from existing members of such courses.

3.3 Although not all of them turned out to be justified, they took up considerable staff resources.

3.4 Our publicity activities invariably impact on our caseload. Following the launch of our publicity programme in February/March (see **para. 6.2** in Chapter 6), coupled with the announcement of the results of our direct investigations about that time (see **Fig. 3.8**), we received 481 cases in March 2008, compared with the annual average of 416.

3.5 Group complaints can significantly change the overall pattern of complaints received. While such complaints usually come through email, those affecting a neighbourhood community tend to be letters by post. The 700 odd complaints against the Housing Department received this year referred to in **para. 3.2** all came in by letter through the post, making it the most used mode of lodging complaints for the year.

3.6 During the year we handled 5,929 cases and concluded 4,644. Among the latter, 1,246 (26.8%) were screened out because they were

Fig. 3.3

Mode of Lodging Complaints

Mode	**2003/04**	**2004/05**	**2005/06**	**2006/07**	**2007/08**
In person	324	396	231	412	251
In writing –					
by complaint form	722	934	613	586	486
by letter through post	1,634	1,599	1,303	1,002	1,829
by fax	972	615	863	836	753
by email	742	821	902	2,461	1,380
By telephone	267	289	354	309	288
TOTAL	**4,661**	**4,654**	**4,266**	**5,606**	**4,987**

under restrictions by law or were actually outside our jurisdiction (see **Chapter 1**); and 1,421 (30.6%) not pursued because they were withdrawn by the complainant, not undertaken because further inquiry was considered unnecessary or discontinued by our Office after initial inquiry.

3.7 I may consider further inquiry into a case unnecessary for a number of reasons, including:

- a *prima facie* case of maladministraton is not established;
- the complainant is merely expressing opinions or seeking general assistance;
- the complainant has refused to consent to disclosure of personal data necessary for initiating our inquiries;
- the organisation concerned is already taking action on the matter; or
- there is another authority for the matter.

3.8 The remaining 1,977 cases (42.6%) were screened in for further processing. Most of them, 1,857 cases (93.9%), were handled by way of Rendering Assistance and Clarification ("RAC").

3.9 As noted in my last report, starting from last year, complaints addressed to other organisations and only copied to us with no request for our action do not count as complaints to our Office and are excluded from our statistics. These complaints are identified as "complaints to others copied to us" (see **Annex 5**).

3.10 A breakdown of our caseload for the past five years is in **Table 1**.

Major Causes for Complaint

3.11 The five causes most mentioned by complainants this year were the same as last year:

- disparity in treatment, unfairness, selective enforcement;
- error, wrong decision/advice;
- failure to follow procedures, delay;
- negligence, omissions; and
- ineffective control,

The only difference is that "disparity in treatment, unfairness, selective enforcement" now topped the list (see **Fig. 3.5a**). The great increase in complaints in

Fig. 3.4

Complaints Screened in and Concluded

	2003/04	2004/05	2005/06	2006/07	2007/08
Preliminary Inquiries	1,834	1,873	1,758	1,643	1,938
INCH	203	209	185	143	81
RAC	1,631	1,664	1,573	1,500	1,857
Full Investigation	284	125	55	71	38
Mediation	7	6	12	2	1
Total	**2,125**	**2,004**	**1,825**	**1,716**	**1,977**

Fig. 3.5a

Causes for Complaint in the Last Three Years

Nature of alleged maladministration	% among all concluded cases[@]		
	2005/06	**2006/07**	**2007/08**
Disparity in treatment, unfairness, selective enforcement	7.3%	7.4%	25.4%
Error, wrong decision/advice	23.8%	46.5%	24.3%
Failure to follow procedures, delay	14.7%	11.0%	13.3%
Negligence, omissions	11.1%	8.0%	8.3%
Ineffective control	10.0%	6.5%	6.7%
Faulty procedures	4.8%	5.7%	5.4%
Lack of response to complaint	6.4%	5.0%	5.3%
Staff attitude	5.8%	4.7%	5.2%
Abuse of power	4.0%	3.2%	4.4%
Others	12.1%	2.0%	1.7%

[@] The total number of cases concluded in 2005/06, 2006/07 and 2007/08 were: 4,309, 5,340 and 4,644 respectively. They included cases outside our jurisdiction, restricted or concluded after preliminary inquiries, mediation and full investigation (see **Table 1**). Figures for 2006/07 and 2007/08 exclude “complaints to others copied to us”.

this category was attributable to the group complaints against HD, Lands D and T & ELA (see **para. 3.2**).

3.12 Based on cases for full investigation where alleged maladministration was substantiated, the top four types of maladministration were:

- error, wrong decision or advice; and
- failure to follow procedures, delay;
- lack of response to complaint; and
- disparity in treatment, unfairness, selective enforcement.

This year, “error, wrong decision or advice” replaced “failure to follow procedures, delay” as the act of maladministration most frequently substantiated. Details are shown in **Fig. 3.5b**.

Organisations Most Complained About

3.13 The list of organisations most complained about was also affected by group complaints. T & ELA, which used to attract few complaints, came third in the “top ten” list (see **Table 4**) this year as a result of the “Bible” group complaint referred to in **para. 3.2**. Likewise, LCSD, only marginally included in the list last year, moved up to the sixth place because of the group complaint related to registration for its training course. HD, while continuing to top

Fig. 3.5b

Forms of Maladministration Substantiated in the Last Three Years			
Nature of maladministration identified	**% among all acts of maladministration substantiated#**		
	2005/06	**2006/07**	**2007/08**
Error, wrong decision/advice	13.9%	12.2%	29.1%
Failure to follow procedures, delay	30.6%	31.7%	16.1%
Lack of response to complaint	11.1%	17.1%	16.1%
Disparity in treatment, unfairness, selective enforcement	2.8%	2.4%	12.9%
Negligence, omissions	11.1%	9.8%	6.45%
Ineffective control	19.4%	14.6%	6.45%
Faulty procedures	5.6%	9.8%	6.45%
Staff attitude	2.8%	0%	6.45%
Abuse of power	2.8%	0%	0%
Others	0%	2.4%	0%

The total number of allegations substantiated, substantiated other than alleged or partially substantiated after full investigation in 2005/06, 2006/07 and 2007/08 were: 36, 41 and 31 respectively.

the list, had doubled the percentage of complaints, from last year's 12.4% to 24.7% this year, due to the group complaint about the management issues in two housing estates. Lands D was similarly affected, replacing the Food and Environmental Hygiene Department as the second organisation under complaint this year.

Outcome of Inquiries

3.14 We conducted full investigation on 38 complaints, with 23 or 60.5% substantiated, partially substantiated and substantiated other than alleged (see **para. 2.12** of Chapter 2), compared to 45.1% last year. The outcome of our full investigations is summarised in **Fig. 3.6**.

3.15 Complaints concluded after preliminary inquiries are not classified by their outcome. However,

Fig. 3.6

Substantiation Rates of Complaints Concluded by Full Investigation		
Classification	**No. of Complaints**	**Percentage**
Substantiated	9	23.69%
Partially substantiated	13	34.21%
Substantiated other than alleged	1	2.63%
Unsubstantiated	14	36.84%
Withdrawn/Discontinued	1	2.63%
Total	**38**	**100.0%**

Fig. 3.7

Outcome of RAC Cases		
Outcome	**No. of Complaints**	**Percentage**
Remedial action required	640	34.5%
No evidence of maladministration	1,200	64.6%
Inconclusive	17	0.9%
Total	**1,857**	**100.0%**

as shown in **Fig. 3.7**, among the 1,857 cases concluded by RAC, we required remedial action by the organisations concerned in 34.5% of the cases. This compares with 18.5% and 17.1% in the two previous years. **Table 8** gives more details.

Direct Investigation

3.16 We completed four direct investigations and two direct investigation assessments (or "mini-direct investigations") this year. Four direct investigations were in progress at the end of the year. Details follow in **Fig. 3.8**.

3.17 On completion of our direct investigations, we invariably make recommendations for improvement of administration (see **para. 3.19**). From time to time, improvement measures are introduced by the organisations on their own volition, at times even during our investigation. We welcome this as a positive and proactive move by Government.

Recommendations

3.18 Making recommendations, where due, to improve public administration in systems, procedures and practices is a key object of our inquiries, whether based on complaints or not. Our prime concern always is to redress grievances and enhance client service in the pubic sector.

Fig. 3.8

(a) Direct Investigation Reports Completed in 2007/08

Date	Subject
12 November 2007	Mechanism for Handling Conflict of Interests in Organisations Subvented by Leisure and Cultural Services Department
14 February 2008	Special Examination Arrangements for Students with Specific Learning Difficulties
13 March 2008	Alleged Overcharging of Water Bills
31 March 2008	Handling of Water Seepage Complaints

(b) Direct Investigation Assessments Completed in 2007/08

Date	Subject
16 November 2007	Management of Mortuaries in Hospitals under Hospital Authority
18 March 2008	Immigration Department Application Forms for Foreign Domestic Helpers

(c) Direct Investigations in Progress

Date Declared	Subject
5 July 2007	Effectiveness of the Integrated Call Centre in Handling Complaints
1 November 2007	Government Measures for Street Management
14 February 2008	Administration of Special Grants under Comprehensive Social Security Assistance
14 February 2008	Support for Students with Specific Learning Difficulties

3.19 During the year, I made 42 and 61 recommendations, i.e. a total of 103, on completion of the 38 cases concluded by full investigation and the four direct investigations respectively. So far, 98 (95.1%) of them have been accepted by the organisations for implementation and 5 (4.9 %) are still under consideration. None has been rejected.

3.20 For cases concluded by RAC, we also make suggestions for systemic improvement. This year, 237 such suggestions were made, compared with 208 last year and 218 the year before. A breakdown of these by organisations concerned is in **Table 8**.

Our Performance

3.21 Our performance pledges are detailed with our record of attainment in **Annex 3**. As in previous years, we continued to meet our pledges fully in respect of handling enquiries and arranging group visits and talks this year.

3.22 In processing complaints, we closely achieved our target time for acknowledging and completing initial assessment of complaints: 0.03% of the cases exceeded the target, and for processing cases outside jurisdiction or under restriction, 1.6% exceeded the target (see **Fig. 3.9(a) and (b)**).

3.23 For cases screened in for further processing, we could not meet our pledges fully because of the heavy caseload but were able to maintain a level comparable to previous years. The percentages of complaints concluded in three months and those over six months were 56.4% and 2.0% respectively, compared with 57.1% and 2.6% last year (see **Fig. 3.9(c)**).

Fig. 3.9

(a) Response Time for Acknowledgement/Initial Assessment

Year	Response Time		
	Within 5 working days (target : 80%)	Within 6-10 working days (target : 20%)	More than 10 working days
2003/04	66.2%	30.7%	3.1%
2004/05	94.0%	4.2%	1.8%
2005/06	99.75%	0.22%	0.03%
2006/07	99.90%	0.05%	0.05%
2007/08	99.91%	0.06%	0.03%

(b) Processing Time for Cases Outside Jurisdiction or Under Restriction

Year	Response Time		
	Within 10 working days (target : 70%)	Within 11-15 working days (target : 30%)	More than 15 working days
2003/04	71.5%	22.1%	6.4%
2004/05	62.6%	34.4%	3.0%
2005/06	40.9%	57.3%	1.8%
2006/07	90.9%	8.7%	0.4%
2007/08	88.1%	10.3%	1.6%

(c) Processing Time for Other Cases Concluded			
Year	**Response Time**		
	Less than 3 months (target : 60%)	**Within 3-6 months (target : 40%)**	**More than 6 months**
2003/04	51.1 %	45.7%	3.2%
2004/05	43.3%	53.7%	3.0%
2005/06	56.0%	41.0%	3.0%
2006/07	57.1%	40.3%	2.6%
2007/08	56.4%	41.6%	2.0%

3.24 Longer processing time was necessary in some cases because of factors such as:

- complexity of the case;
- voluminous documents, initial and supplementary, from the complaint;
- new developments mid-stream;
- parties challenging our findings; and
- complainee organisations requiring more time for response to our inquiries.

Overview

3.25 Although the number of complaints received this year was slightly lower than last year's peak, it still stayed at a fairly high level. With the publicity programme launched towards the end of the year, we foresee another upsurge of cases in the beginning of the year ahead. Group action seemed to be a continuing trend. Such complaints are not only exercising our investigation resources, but also presenting a fresh challenge to our clerical and statistical support services. Thanks to the dedication of our staff, we have been able to cope with these challenges. At the same time, we exercise flexibility in staffing arrangements by internal redeployment and appointment of temporary investigators, also adjustment to our procedures, to attune to the changing demand for our services.